

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

HEADWATER RESEARCH LLC

*Plaintiff,*

v.

SAMSUNG ELECTRONIC CO., LTD and  
SAMSUNG ELECTRONICS AMERICA, INC.,

*Defendants.*

Case No. 2:22-CV-00422-JRG-RSP

**JOINT MOTION TO TAKE DEPOSITION OUT OF TIME**

Plaintiff Headwater Research, LLC (“Headwater”) and Defendants Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc. (collectively “Samsung”) (all collectively, the “Parties”), by and through their undersigned counsel, respectfully submit this Joint Motion to Take Deposition Out of Time regarding the deposition of Headwater’s expert Dr. Andreas Groehn. The Parties are not seeking to move the pretrial hearing or the trial date as set by the amended Docket Control Order (Dkt. 186).

The current deadline to complete expert discovery is May 9, 2024 (Dkt. 186). Due to conflicts among the Parties’ and the witness’s schedules (including Dr. Groehn’s international travel), Defendants are not able to take the deposition of Dr. Groehn prior to the end of expert discovery. The Parties have agreed to move forward with the deposition outside of the expert discovery cutoff and have scheduled Dr. Groehn’s deposition for May 13, 2024. Taking the deposition out of time will not prejudice the Parties or disrupt the Court’s trial schedule.

This request for leave to take one expert deposition out of time are so that justice can be done, and not for any improper purpose. The parties are additionally requesting a limited extension

of briefing deadlines related to motions to strike relating to Dr. Groehn and other experts offering damages-related opinions, which the parties have separately submitted at Dkt. No. 215 for the Court's consideration. However, the parties' deposition and briefing schedule proposals will not disrupt the pretrial or trial schedule currently set by the Court.

Dated: May 3, 2024

Respectfully submitted,

By: /s/ Adam S. Hoffman  
Marc Fenster  
CA State Bar No. 181067  
Reza Mirzaie  
CA State Bar No. 246953  
Brian Ledahl  
CA State Bar No. 186579  
Ben Wang  
CA State Bar No. 228712  
Paul Kroeger  
CA State Bar No. 229074  
Neil A. Rubin  
CA State Bar No. 250761  
Kristopher Davis  
CA State Bar No. 329627  
James S. Tsuei  
CA State Bar No. 285530  
Philip Wang  
CA State Bar No. 262239  
Amy Hayden  
CA State Bar No. 287026  
James Milkey  
CA State Bar No. 281283  
Jason M. Wietholter  
CA State Bar No. 337139  
James N. Pickens  
CA State Bar No. 307474  
Adam S. Hoffman  
CA State Bar No. 218740  
RUSS AUGUST & KABAT  
12424 Wilshire Blvd. 12th Floor  
Los Angeles, CA 90025  
Telephone: 310-826-7474  
headwater@raklaw.com

By: /s/ Sara C. Fish  
Ruffin B. Cordell  
TX Bar No. 04820550  
Michael J. McKeon  
DC Bar No. 459780  
mckeon@fr.com  
Jared Hartzman (*pro hac vice*)  
DC Bar No. 1034255  
hartzman@fr.com  
**FISH & RICHARDSON P.C.**  
1000 Maine Avenue, SW, Ste 1000  
Washington, D.C. 20024  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331  
  
Thad C. Kodish  
GA Bar No. 427603  
tkodish@fr.com  
Benjamin K. Thompson  
GA Bar No. 633211  
bthompson@fr.com  
Nicholas A. Gallo (*pro hac vice*)  
GA Bar No. 546590  
gallo@fr.com  
Steffen Lake (*pro hac vice*)  
GA Bar No. 512272  
lake@fr.com  
Sara C. Fish  
sfish@fr.com  
GA Bar No. 873853  
Noah C. Graubart

Robert Christopher Bunt  
Parker, Bunt & Ainsworth, P.C.  
Texas State Bar No. 00787165  
100 E. Ferguson Suite 418  
Tyler, Texas 75702  
Tel.: (903) 531-3535  
rcbunt@pbatyler.com

**ATTORNEYS FOR PLAINTIFF  
HEADWATER RESEARCH LLC**

GA Bar No. 141862  
graubart@fr.com  
Katherine H. Reardon  
NY Bar No. 5196910  
reardon@fr.com  
**FISH & RICHARDSON P.C.**  
1180 Peachtree St. NE, Fl. 21  
Atlanta, GA 30309  
Telephone: (404) 892-5005  
Facsimile: (404) 892-5002

Leonard E. Davis  
TX Bar No. 05521600  
ldavid@fr.com  
Andria Rae Crisler  
TX Bar No. 24093792  
crisler@fr.com  
Thomas H. Reger II  
Texas Bar No. 24032992  
reger@fr.com  
**FISH & RICHARDSON P.C.**  
1717 Main Street, Suite 5000  
Dallas, TX 75201  
Telephone: (214) 747-5070  
Facsimile: (214) 747-2091

John-Paul R. Fryckman (*pro hac vice*)  
CA Bar No. 317591  
**FISH & RICHARDSON P.C.**  
12860 El Camino Real, Ste. 400  
San Diego, CA 92130  
Telephone: (858) 678-5070  
Facsimile: (858) 678-5099

Melissa R. Smith  
State Bar No. 24001351  
Melissa@gillamsmithlaw.com  
Harry L. Gillam, Jr.  
State Bar No. 07921800  
gil@gillamsmithlaw.com  
**GILLAM & SMITH, LLP**  
303 South Washington Avenue  
Marshall, Texas 75670  
Telephone: (903) 934-8450  
Facsimile: (903) 934-9257

Andrew Thompson (“Tom”) Gorham  
State Bar No. 24012715  
tom@gillamsmithlaw.com  
James Travis Underwood  
State Bar No. 24102587  
travis@gillamsmithlaw.com  
**GILLAM & SMITH, LLP**  
102 N. College, Ste. 800  
Tyler, Texas 75702  
Telephone: (903) 934-8450  
Facsimile: (903) 934-9257

Grant Schmidt  
Texas Bar No. 24084579  
gschmidt@hilgersgraben.com  
Jon Hyland  
jhyland@hilgersgraben.com  
Texas Bar No. 24046131  
Theodore Kwong  
tkwong@hilgersgraben.com  
Texas Bar No. 4087871  
**HILGERS GRABEN PLLC**  
7859 Walnut Hill Lane, Suite 335  
Dallas, Texas 75230  
Telephone: 469-751-2819

**ATTORNEYS FOR DEFENDANTS**  
**SAMSUNG ELECTRONICS CO., LTD. AND**  
**SAMSUNG ELECTRONICS AMERICA,**  
**INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on May 3, 2024. As of this date, all counsel of record had consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A).

/s/ Sara C. Fish

Sara C. Fish